

**Via E-Filing**

United States District Judge Jeffrey V. Brown  
United States District Court for the Southern District of Texas, Galveston Division

Re: Plaintiff's Motion for Partial Summary Judgment Continuance (Dkt 28), filed July 14, 2023, *Ben E. Harris v. Ascend Performance Materials Texas Inc.*, Cause No. 3:22-cv-178

Dear Honorable Judge Brown:

This is a joint letter request to continue Plaintiff's Motion for Partial Summary Judgment (Dkt 28) to allow Defendant Ascend Performance Materials Texas, Inc. to file a cross-motion on the issue of workers compensation exclusivity. The continuance is sought for judicial economy in resolving disputed issues of law. The court's consideration of the cross-motions jointly will preserve judicial resources and allow for an efficient resolution of the dispute.

The parties request the court grant Defendant Ascend a continuance until August 28, 2023 to respond to file its cross-motion for Partial Summary Judgment and respond to Plaintiff's Motion for Partial Summary Judgment on worker's compensation exclusivity.

Respectfully submitted by:

/s/ Savannah Robinson  
Savannah Robinson

LAW OFC OF SAVANNAH ROBINSON  
1822 Main  
Danbury, TX 77534  
979-922-8825  
[savannah@savannah-robinson.com](mailto:savannah@savannah-robinson.com)  
ATTORNEYS FOR PLAINTIFF

/s/ Rachel Powitzky Steely  
Rachel Powitzky Steely  
Taylor Appling  
FOLEY & LARDNER LLP  
1000 Louisiana St., Suite 2000  
Houston, TX 77002-5007  
FAX: 713-276-5555  
[rsteely@foley.com](mailto:rsteely@foley.com)  
[tappling@foley.com](mailto:tappling@foley.com)  
ATTORNEYS FOR DEFENDANT